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EXAMINER

LAY, MICHELLE K

ART UNIT	PAPER NUMBER
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2672

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/602,566

Applicant(s)

SEWELL, MARC T. BURTON

Examiner

Michelle K. Lay

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 30 November 2005 has been entered.

### ***Response to Arguments***

Applicant's arguments filed 30 August 2005 have been fully considered but they are not persuasive. Although Applicant does provide differences between the prior art used in the Final Rejection filed 31 May 2005, and the *disclosure* of the Applicant, the limitations in the claims do not overcome the prior art used.

#### **In regards to Applicant's remarks concerning claim 19:**

In response to Applicant's arguments 1 and 7, Applicant argues the use of the dashed line of page 3 from the Visio User Guide is not a graphical element or shape. Examiner respectfully disagrees. The dashed line of Visio does border the group elements and further is comprised of Although argues that the Visio's dashed line will not print if prompted, the claim itself does not require that limitation. Furthermore, the claim does not limit the elements to be or not to be selected, and therefore, Visio's dashed borderline reads on the limitations of the claim.

In response to Applicant's argument 2, Applicant argues the dashed line of Visio does not comprise of a border. Examiner respectfully disagrees. The dashed line is itself, a border around the graphical elements.

In response to Applicant's arguments 3, 4, 8, and 9, Applicant argues the dashed line of Visio is always a rectangle and thus is not comprised of a border of any shape. The claim language states that the grouping element can be infinitely, variably-shaped at all points and that it may have an attached, subordinate graphical container for additional elements. However, the claim does not state that these limitations must be included and therefore, the grouping element of the claimed invention does not distinguish itself over the group element of Visio.

In response to Applicant's argument 5, Applicant argues the dashed line of Visio is not a shape or graphical element. However, Applicant is arguing limitations that are not within the claim and therefore, Visio 2000 reads on the limitations of the claims.

In response to Applicant's argument 6, Applicant argues the dashed line will only appear when an element is selected. However, the claim language does not place a stipulation as to how nor why a grouping will occur. Therefore, the claimed invention does not distinguish itself over the dashed line of Visio.

**In regards to Applicant's remarks concerning claim 20:**

Applicant's arguments relays what the prior art (Nochur) entails, but fails to point out how Applicant's invention over comes the prior art.

**In regards to Applicant's remarks concerning claim 1:**

Applicant argues Nochur's elements are not predefined. However, the palette generation module presents the user with a library of ***pre-built*** [emphasis added] symbols with symbol indicia definitions [Nochur: col. 5, lines 17-27]. Thus, these pre-built symbols are predefined with predefined meaning. Furthermore, the claim language only discloses, "visually representing a noun or verb", and does not limit as to how these elements are done so. Thus, the program code segments are valid in generating the symbols of Nochur to represent these nouns and verbs. Additionally, Applicant argues Nochur does not contain an attached subordinate container shape. Examiner respectfully disagrees. When Nochur double clicks the icons, a list of attached documents are display wherein the user may select and load any document from the list. Thus the attached documents are considered subordinate to the graphical elements and attached through the use of icons.

### ***Specification***

The disclosure is objected to because of the following informalities: Figs. 1B, 2-8, 11, 13B-E, 14A-B, 16, 18-20, 21A-B, and 22 are not described in the detailed specification. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 8 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 8 recites the limitation of "rule, process, and security object shapes". Although Fig. 4 shows rule shapes, and Fig. 6 shows process object shapes, there is no description to understand what these shapes are. Furthermore, Applicant's disclosure fails to mention "security object shapes".

Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 9 recites the limitation of "note, design point, initiative, and issue object shapes". Although Fig. 4 shows design point, there is no description to understand what these shapes are.

Claim 20 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 20 recites the limitations "variable amount" in line 4 it is unclear from Applicant's disclosure what a "variable amount" is. Additionally, claim 20 recites the limitation of "predetermined, appropriate points" in line 6. It is unclear from Applicant's disclosure

how the attachment points are predetermined or considered appropriate points if the user it to indicate where these attachment points are to reside.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 8 recites the limitation of "rule, process, and security object shapes". It is unclear what these object shapes are. There is insufficient antecedent basis for these limitations in the claim.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 8 recites the limitation of "note, design point, initiative, and issue object shapes". It is unclear what these object shapes are. There is insufficient antecedent basis for these limitations in the claim.

Claim 20 recites the limitations "variable amount" in line 4 and "predetermined, appropriate points" in line 6. It is unclear what a "variable amount" is. Furthermore, it is unclear how the attachment points are predetermined or considered appropriate points if the user it to indicate where these attachment points are to reside. There is insufficient antecedent basis for these limitations in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 14-17, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Nochur et al. (US Patent No. 5,835,758).

The invention of Nochur discloses a computer-based method and system for representing and communicating various conceptual and physical entities.

In regards to claim 1, Nochur explicitly teaches ***an automated graphical element, of a graphical tool, that is manipulated and altered primarily by an associated user interface, wherein said element is used to visually represent a noun or verb, and where said element is comprised of the following automatically controlled elements:***

- a) ***a plurality of predefined simple and complex shapes with predefined meaning;***
- b) ***a plurality of predefined icons;***
- c) ***variable text;***
- d) ***a plurality of predefined adornments with predefined meaning;***
- e) ***an attached, subordinate graphical container for additional elements.***

“As an example, if users are interested in hospital management, the domain of interest might include elements such as patients, doctors, and hospitals. As another



example, if the domain of interest is education in a university setting, elements of interest to users in that domain would include students, courses, faculty, and classrooms. An application created by a general-purpose embodiment of the present invention will have one or more palettes, each palette having a set of one or more elements of relevance to the user's domain of interest. Each element is represented by its symbol and indicia and has associated with it various data and other attributes to be represented, stored, processed, and communicated over a computer-based system.” [col. 5, lines 3-5]. Furthermore, “A palette generation module 10 presents the user with a library of pre-built symbols 101. The user can select from this library of symbols 101, and also create new symbols by invoking a symbol generator sub-module 103. Indicia to label each selected or created symbol are specified in symbol indicia definition sub-module 105 to create a customized palette of elements 107 relating to the domain of interest. Once a palette 107 has been generated, data and other attributes for the elements in it are defined in attribute definition module 11.” [col. 5, lines 17-27] Fig. 6, show elements with symbols and main labels for representing entities of interest wherein the elements represent the noun or verbs associated with their main labels (elements 61a-61k). As can be seen, the graphical elements are comprised of a plurality of predefined simple and complex shapes corresponding to their predefined meaning. Element 72 of Fig. 7 shows an attribute dialog box in which a user may manipulate the definition fields of an element to automatically adjust the element's properties. “An item such as Plan 71 in FIG. 7 can have data attributes such as Class 71a, Type 71b, Priority 71c, and Status 71d. Values for these attributes, such as 1 for

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Priority 71c, Ongoing for Status 71d can be entered in fields adjoining the attribute label in Item Attributes dialog box 72. Double clicking on an item on a map opens its attribute dialog box.” [col. 11, lines 54-59] Furthermore, “Users can change attribute definition fields and screens to suit their needs.” [col. 11, lines 64-65] Thus, the automated graphical elements are manipulated and altered through the user interface of the attribute dialog box. As can be seen in Fig. 7, the item attributes dialog box also contains a section for a user to enter text to be displayed within the graphical element, corresponding to the variable text as stated in claim 1. Nochur further teaches the use of a plurality of icons or letter adornments to indicate certain features attached to the element objects. “Notes and annotations can be added in a separate box belonging to each object. A visual cue, such as the letter N or a notepad icon will show up in the area around and close to an item to indicate that it has a non-blank Note attached to it. Double clicking on the cue will lead to the Note screen. Similarly, annotations are tagged and accessed through a visual cue or the letter A appearing in the region near the object.” [col. 11, line 67 – col. 12, line 5] Additionally, a map icon is placed in the area around an item to alert a user that one or more maps are attached to the item [col. 12, lines 27-49]. Therefore, the elements include a plurality of predefined icons. Additionally, the icons are attached to the elements by placing them in the area around and close to their associated item. When the icons are double clicked by a user, a list of attached documents is displayed wherein the user may select and load any document from the list [col. 8, lines 17-24]. Thus the attached documents are considered subordinate to the graphical elements and attached through the use of the

icons as described above. Fig. 6 depicts a plurality of predefined adornments connecting graphical elements to one another. "Items can be connected with lines or arrows of various kinds, such as 67b and 67c to show how they are related in terms of sequence, cause-effect relationship, the flow of issues and ideas, hierarchy, etc." [col. 11, lines 49-53]. "Link generator module 14 is for defining the kinds of line and arrow segments that will be used to show relationships and hierarchies between various items on maps. Users are presented with a library of pre-built link types 142. The user can select from this library 142, and also create new link types by invoking a link generator sub-module 144. Indicia to label each selected or created link type are specified in link indicia definition sub-module 146 to create a customized set of link types 148 relevant to the domain of interest. Once a set of link types 148 has been generated, data and other attributes for each of the link types are defined in link attributes sub-module 115." [col. 5, line 67 – col. 6, line 9] Therefore, predefined adornments are provided with which to show hierarchies and relationships between elements.

In regards to claim 14, Nochur explicitly teaches ***the graphical element of claim 1 wherein there is a plurality of adornments for components that contain their own icon or text.***

A plurality of line adornments may be used to show connections and relationships between elements [col. 12, lines 16-23]. Lines 20 – 23 state, "They can also be labeled to show additional detail, or to describe various kinds of connections

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and the relations between the linked objects.” Thus, the adornments for the elements of Nochur may contain their own text.

In regard to claim 15, Nochur explicitly teaches ***the graphical element of claim 1 wherein there is an adornment to indicate a plural or collections.***

Nochur states, “The basic document in the present invention is a map, comprised of one or more items and the links between them. A connection can be established between any item and another map or other kind of document. Once a connection is defined, for example between an item and a map, a visual cue, such as the letter M or a map icon, will appear in the area around and close to that item. The connected map can be invoked via the visual cue. Maps can be organized in a nested hierarchy to show or hide levels of detail. FIG. 8 shows a Plan item 81 next to which the letter M appears to indicate that one or more maps are attached to it. Double clicking on the M would lead to Map Connection dialog box 82 which shows the name of a connected map 83. Selecting the connected map's name and selecting Go To button 84 would lead the user to the connected map on the display screen.” [col. 12, lines 24 – 39]

Thus, Nochur teaches of placing the letter M or a map icon adornment on a graphical element to indicate that one or more maps are attached to that element, corresponding to an indicator of plural or collections.

In regard to claim **16**, Nochur explicitly teaches ***the graphical element of claim 1 wherein specification documents are automatically generated from object information.***

Nochur states, "Reports can be generated by the present invention based on the attributes of items in maps and the attributes of links, maps, cases, and other documents as well. Reporting is accomplished by report module 202 (FIG. 5) which interfaces with database manager 25 to access data from database 28 to generate various reports 51." [col. 14, lines 25-30] Thus, the reports of Nochur correspond to the specification documents as claimed.

In regard to claim **17**, Nochur explicitly teaches ***the graphical element of claim 1 wherein the identity of notation objects and relations are accessed and managed.***

Nochur states, "An item such as Plan 71 in FIG. 7 can have data attributes such as Class 71a, Type 71b, Priority 71c, and Status 71d. Values for these attributes, such as 1 for Priority 71c, Ongoing for Status 71d can be entered in fields adjoining the attribute label in Item Attributes dialog box 72. Double clicking on an item on a map opens its attribute dialog box. The attributes of an item depend on the basic element category it belongs to. For example, a Goal item has attributes such as priority, dates related to its accomplishment, people responsible for it, key words, etc. Users can change attribute definition fields and screens to suit their needs." [col. 11, lines 54-65] Thus, the identity of notation objects and relationships can be accessed and managed by a user through the use of the attribute dialog box of Nochur.

In regard to claim 20, Nochur explicitly teaches ***a subordinate container shape, that is automatically connected to and controlled by a parent shape or graphical element, comprising:***

- a) ***a variable amount of text and/or graphics;***
- b) ***an attachment point that can be positioned anywhere around the parent shape only at predetermined, appropriate points in the vicinity closest to where the user indicates.***

Column 11, lines 65 – 67, and Column 12, lines 1 – 5, discuss the use of a plurality of icons or letter adornments to indicate certain features attached to the element objects of Nochur. “Notes and annotations can be added in a separate box belonging to each object. A visual cue, such as the letter N or a notepad icon will show up in the area around and close to an item to indicate that it has a non-blank Note attached to it. Double clicking on the cue will lead to the Note screen. Similarly, annotations are tagged and accessed through a visual cue or the letter A appearing in the region near the object.” Column 12, lines 27 – 49, further describes placing a map icon in the area around an item to alert a user that one or more maps are attached to the item. Column 8, lines 17 – 24, teaches that when the icons are double clicked by a user, a list of attached documents is displayed wherein the user may select and load any document from the list. Element 82 of Figure 8 shows a map connection list that is displayed as a result of double-clicking the M attachment of the PLAN element, element 81. Thus, the attached containers are considered subordinate to the

graphical elements and attached through the use of the icons as described above. Additionally, the icons are controlled by the parent elements in that they are attached in area around and close to their associated parent element. The claim language of claim 20 states that the attachment points can be positioned anywhere around the parent shape only at predetermined, appropriate points in the vicinity closest to where the user indicates; however, the claim does not state that this procedure must be carried out for the placement of the attachment points. Therefore, Nochur includes the attachment icon points with which a user may open a subordinate container shape containing a variable amount of text and/or graphics resulting from the selecting of a note, case, annotation, or map icon.

2. Claim **19** is rejected under 35 U.S.C. 102(b) as being anticipated by Microsoft Visio 2000 Standard Edition.

Microsoft Visio 2000 Standard Edition User Guide explicitly teaches ***a grouping graphical element used to enclose selected shapes and said element comprising a border of any shape that can be infinitely, variably-shaped at all points and said element may have an attached subordinate graphical container for additional elements.***

Page 23 of the Microsoft Visio 2000 Standard Edition User Guide describes grouping a number of shapes in a flow chart so that the group of shapes may be modified as a single unit. When selecting the group, a dashed line appears around the

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grouped shapes. Thus, the dashed line corresponds to a grouping graphical element used to enclose selected shapes. Additionally, page 23 states that the group may be modified the same, just like any single object including moving, resizing, or rotating the group. Therefore, by resizing the group, the dashed line appearing around the grouped shape is resizable as well. Thus, the border of the grouping element can be modified to take on any shape to correspond to the resizing of the group. Furthermore, the claim language of claim 19 states that the grouping element can be infinitely, variably-shaped at all points and that it may have an attached, subordinate graphical container for additional elements. However, the claim does not state that these limitations must be included, only that they can and may be included. Therefore, the grouping element of the claimed invention does not distinguish itself over the grouping element of Microsoft Visio 2000 Standard Edition.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim **18** is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 5,835,758 to Nochur et al.

Nochur states, "In report definition module 13, users specify the formats 131 for various reports that they want to create, based on the attributes defined earlier for



items, maps, links, cases, and text documents. This module also creates the query dialog boxes 133 users will need to define queries, and dialog boxes for selection and sorting 135 data for generating various standard and customizable reports.” [col. 5, lines 59-65] Nochur further states, “Reports can be generated by the present invention based on the attributes of items in maps and the attributes of links, maps, cases, and other documents as well. Reporting is accomplished by report module 202 (FIG. 5) which interfaces with database manager 25 to access data from database 28 to generate various reports 51.” [col. 14, lines 25-30] Thus, the reports created by the invention of Nochur allows for the user to specify the format of the report. Additionally, the reports may be based on a variety of attributes including text data as described above. It is very well known in the art to use business tools such as a word processing program to create a report based on text documents to allow for the reading, storing, and sharing of text documents.

It would have been obvious at the time the invention was made to modify the invention of Nochur to include outputting the reports in a word processing program so that a user may be better able to read, store, share, and edit the resulting report.

4. Claims **2-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nochur et al. (US Patent No. 5,835,758) in view of WinFlow for Windows.

Nochur et al. teaches placing text within the graphical elements through the use of the attribute dialog box and labeling the elements according to their type and class. In regards to claim **2**, the claim language states that icons and/or text can be placed

within the element shapes, an instance in which one or the other, or both being placed in the elements will suffice as prior art. Therefore, Nochur teaches of ***placing icons and/or text within the element shapes*** by placing the text from the attribute dialog box within the corresponding element. As can be seen from Figure 7, the two illustrated elements are also both named according to their class and type. Thus, the objects are given noun equivalent names. However, Nochur does not teach of orienting the size and shape of the element to the included text. The program of WinFlow is a flowchart-authoring tool. Page 94 of the WinFlow User Guide describes the use of the "Fit Text to Symbol" command to fit the enclosed text to a symbol's size. Thus, the size of a symbol in the WinFlow program may be enlarged so that the entire portion of included text may be displayed to a user. It is well known in the art of flowchart design that portions of included text within graphical elements that are too large to fit with the element are either cut from view or spill outside of the element's shape boundary, resulting in an unpleasing visual result.

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Nochur to include orienting the size of the graphical elements according to the included text inside them as in WinFlow. One would have been motivated to make such a modification to Nochur so that the entire portion of included text inside an element may be displayed to a user without any of the text being either cut from the user's view or spilling outside of the element's shape boundary, resulting in unpleasing visual results.

In regard to claim 3, the rationale of claim 1 is incorporated herein. Furthermore, the adornments of Nochur as described above, can be used to indicate the hierarchy between graphical elements.

In regard to claim 4, the rationale of claim 1 is incorporated herein. Furthermore, the graphical elements of Nochur and their included text are presented in graphical format in Figs. 6, 7, and 8.

In regard to claim 5, the rationale of claim 1 is incorporated herein. Furthermore, the graphical elements of Nochur, are linked by line and arrow adornments that are representative of sequence, hierarchy, flow, and cause-effect relationships, thus corresponding to a plurality of verbs [col. 11, lines 49-53; col. 12, lines 16-23].

In regard to claims 6 and 7, the rationale of claim 1 is incorporated herein. Furthermore, the attribute dialog box shown in Fig. 7 of Nochur, illustrates a structured input area for a user to provide detailed specifications of a graphical element. Additionally, notes and connection properties may be specified for a graphical element using the attribute dialog box. As stated, "Notes and annotations can be added in a separate box belonging to each object. A visual cue, such as the letter N or a notepad icon will show up in the area around and close to an item to indicate that it has a non-blank Note attached to it." [col. 11, line 65 – col. 12, line 2] Thus, selected portions of the specification as described in the attribute dialog box are displayed as adornments to the element shape.

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In regard to claims 8, 9, and 11-13, Nochur states, "A general domain-independent embodiment of the present invention is a system for generating applications that are customized to meet the needs of users. This embodiment enables users to create applications that are specific to the domain of interest to them. As an example, if users are interested in hospital management, the domain of interest might include elements such as patients, doctors, and hospitals. As another example, if the domain of interest is education in a university setting, elements of interest to users in that domain would include students, courses, faculty, and classrooms. An application created by a general-purpose embodiment of the present invention will have one or more palettes, each palette having a set of one or more elements of relevance to the user's domain of interest. Each element is represented by its symbol and indicia and has associated with it various data and other attributes to be represented, stored, processed, and communicated over a computer-based system." [col. 4, line 66 – col. 5, line 15] Thus, Nochur teaches that there may be a plurality of different elements corresponding to the domain of interest of a user. Additionally, Nochur teaches that a user may create new symbols relating to their domain of interest. "A palette generation module 10 presents the user with a library of pre-built symbols 101. The user can select from this library of symbols 101, and also create new symbols by invoking a symbol generator sub-module 103. Indicia to label each selected or created symbol are specified in symbol indicia definition sub-module 105 to create a customized palette of elements 107 relating to the domain of interest." [col. 5, lines 17-24] Therefore, any number of various shapes may be created to signify object types.

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In regard to claim **10**, Nochur states, "Link generator module 14 is for defining the kinds of line and arrow segments that will be used to show relationships and hierarchies between various items on maps. Users are presented with a library of pre-built link types 142. The user can select from this library 142, and also create new link types by invoking a link generator sub-module 144. Indicia to label each selected or created link type are specified in link indicia definition sub-module 146 to create a customized set of link types 148 relevant to the domain of interest. Once a set of link types 148 has been generated, data and other attributes for each of the link types are defined in link attributes sub-module 115." [col. 5, line 67 - col. 6, line 9] Therefore, Nochur teaches of including a plurality of link adornments in which to identify the hierarchy and processes of the flowchart object shapes. Additionally, by adorning the objects of Nochur with the various links, the graphical elements may be identified as procedural and hierarchical shapes.

### ***Conclusion***

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle K. Lay whose telephone number is (571) 272-7661. The examiner can normally be reached on Monday - Friday, 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (571) 272-7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

12.14.2005 mkl



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